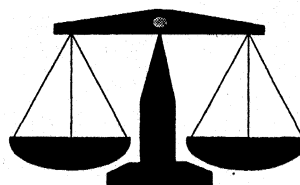


ST LOUIS COUNTY LIBRARY  
MISSOURI DEPOSITORY

AUG 10 2004

**A SUMMARY OF SELECTED BILLS  
TRULY AGREED TO AND FINALLY PASSED**

**By The  
92nd General Assembly  
Second Regular Session**



**Prepared By  
Office of State Courts Administrator  
July 2004**

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## INTRODUCTION

In their role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

Bills become effective August 28, 2004, unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

For a copy of any bill, please direct your request to:

Senate Bill Room  
State Capitol  
Jefferson City, Missouri 65101

House Post Office  
State Capitol  
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

## **SENATE BILLS**

### **CCS HCS SCS #2 SB 762 FOSTER CARE REVISIONS**

This bill modifies the statutes relating to foster care. The provisions of this bill are also contained in HB 1453.

### **SB 807 CIVIL ACTIONS/RIGHTS OF SPEECH**

Grants early consideration of any action seeking monetary damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery shall be suspended pending a final decision on the motion. The bill also mandates that if the rights of this section are used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party will be awarded. If the court finds the motion to dismiss is frivolous, the court shall award costs and attorney fees to the prevailing party. If a party raises the motion under the provisions of this act, the party shall have the right to an expedited appeal. Chapter 537, RSMo

### **SCS SB 810 LANDOWNER/CIVIL LIABILITY**

Amends existing law providing immunity from civil liability for certain landowners and injuries occurring therein (KATY Trail). §258.100, RSMo

### **SB 920 WATER PATROL REVISIONS**

Revises various provisions relating to the Water Patrol including:

Extends the ability of water patrol officers to enforce the law on all premises leased or owned or under control of the Missouri State Water Patrol;

Allows Water Patrol officers to arrest anyone violating the law in his or her presence throughout the state;

Allows Water Patrol officers to arrest a person if there is probable cause that the individual committed a crime originally under the Water Patrol's jurisdiction, even if the suspect is currently out of the Water Patrol's jurisdiction. If possible, the Water Patrol officer must notify the respective local law enforcement of the city or county of the arrest;

Grants the State Water Patrol full authority, as given to other peace officers when working in cooperation with other law enforcement agencies, to enforce vehicular traffic violations as long as such power is exercised only upon prior notification of the chief law enforcement officer of each jurisdiction;

Allows state Water Patrol officers to obtain a search warrant anywhere in the state if the crime that was originally committed was within the Water Patrol officer's jurisdiction. The sheriff of the county where the warrant is to be served must be notified of the application for a search warrant; and

Expands the definition of "peace officer" in sections relating to searches and seizures to include members of the State Water Patrol. §306.165, 306.167, and 542.261, RSMo

### **SB 945 AND SBs 803 & 1257 JUVENILE JURISDICTION**

The Division of Family Services cannot meet with a child in the same school or child care facility where abuse is alleged to have occurred. Currently, the division cannot meet with a child at any school or child care facility. (This provision is also found in SB 968 & 969.)

The bill also grants the juvenile court concurrent jurisdiction with the municipal court regarding municipal curfew ordinances. §160.261, 210.145, and 211.031, RSMo

### **HS HCS SS SB 1000 DNA PROFILING**

Makes various revisions to the statutes relating to DNA analysis, expanding the list of those persons who must provide a sample, and imposes a series of surcharges on certain court cases to be deposited in the DNA analysis fund: \$30.00 in felony cases, and \$15.00 in misdemeanor cases.

Persons who have been proven innocent and whose conviction has been set aside may petition the court for expungement of their DNA-related records. §650.050, 650.052, 650.055, and 650.100, RSMo

### **SCS SB 1003 CHILDREN'S MENTAL HEALTH REFORM ACT**

Establishes a comprehensive mental health service system for children, to be developed by the Department of Mental Health.

The Department of Social Services is to conduct research into all of the cases in their custody to determine which cases involve children in the system due exclusively to a need for mental health services, and where there is no instance of abuse, neglect, or abandonment. Children identified as needing mental health services may be returned by the judge to the family's custody.

Children in need of mental health services are to receive those services in the least restrictive and appropriate environment if the children are returned to a family's custody by a judge. §208.152, 208.204, and 211.181, RSMo

### **CCS HS HCS SCS SB 1020, 889 & 869 SUNSHINE LAW**

This act revises various provisions relating to public records. Any meeting held by conference call, video conference, Internet chat or Internet message board is considered a public meeting.

Meetings conducted by telephone or other electronic means must include notice of the mode by which the meeting will be conducted and where the public may attend the meeting. Notice for such meetings must be posted on the website of the public body as well as at the principal office of the body.

A member of a public body may object to the closing of a meeting, record or vote if the member believes the motion to close violates the Sunshine Law. Such member must object at or before the motion to close is voted upon.

The legislation modifies the allowable copying charges for public records, except for motor vehicle records. Fees cannot exceed 10 cents per page for paper no larger than 9 by 14 inches and the hourly fee for search time cannot exceed the average hourly rate of pay for the clerical staff of the public body. Research time for record requests may be charged at the actual cost of research time.

The act provides that a public body or member or any law enforcement agency or officer is liable for any knowing or purposeful violation of the Sunshine Law. If such public body, law enforcement agency, officer or member commits a knowing violation of the Law, the public entity, law enforcement agency, officer or member shall be subject to a civil penalty of up to \$1000 and the court may award costs and attorney fees. If such public entity, law enforcement agency, officer or member purposely violates the Law, the civil penalty shall be up to \$5,000 and the court shall award costs and attorney fees. In all cases, the court shall have discretion in the amount of the fine based on the size of the jurisdiction, the seriousness of the offense, and whether the entity or member has previously violated the Law.

Currently, a newspaper must be published regularly and consecutively for three years to be qualified to publish advertisements and orders of publication required by law. This act allows a newspaper to waive the three year requirements if the newspaper is the sole paper operating in the county and it has been published regularly and consecutively for two years. This section contains an emergency clause. §493.050, 610.010, 610.011, 610.015, 610.020, 610.021, 610.022, 610.023, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo

#### **SB 1111 LAW LIBRARY FUNDS**

Allows Grundy County to use law library moneys for courtroom renovation and technology. §488.429, RSMo

VETOED

#### **HS HCS SS SS SCS SB 1122 PROFESSIONAL REGISTRATION**

This legislation makes numerous changes in the statutes relating to professional registration. It also changes the statutes relating to licensing bail bondsmen and bail bond practices. §374.695, 374.700, 374.702, 374.705, 374.710, 374.715, 374.716, 374.717, 374.719, 374.730, 374.735, 374.740, 374.755, 374.757, 374.759, 374.763, 374.764, 374.783, 374.784, 374.785, 374.786, 374.787, 374.788, 374.789 (These are the sections that relate to bail bondsmen. There are other sections revised in the bill.)

#### **SCS SB 1195 JUVENILE COURT PERSONNEL RETIREMENT**

This bill removes the July 1, 1999, tolling date for the six month election to receive prior creditable service within Section 211.393.2.(e). Thus, individuals may again elect to receive such prior creditable service within the section.

This act includes certain prior service of juvenile court personnel who were paid by a grant, prior to July 1, 1999, to the definition of "juvenile court employee" within Section 211.393 RSMo. This modification will allow such juvenile court personnel to include time served in such position towards creditable service for MOSERS purposes. §211.393, RSMo

#### **HCS SB 1211 OMNIBUS COURT/LANDLORD TENANT**

This bill contains numerous provisions important to the courts including:

Specifies that the juvenile court has concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance;

Requires the juvenile officer to make a risk and needs assessment, which will be written on a standardized form approved by the Office of State Courts Administrator;

Specifies the form for verified pleadings in proceedings under Chapter 452, RSMo;

Allows the court to issue a direct payment order for guardian ad litem fees in a dissolution or separation proceeding;

Specifies that the filing of a parenting plan for a child over the age of 18 is not required in a proceeding involving the establishment or modification of custody, visitation, or support;

Revises the definitions of "stalking" and "course of conduct" and adds definitions for "repeated" and "alarm" as they relate to the adult abuse and child order of protection statutes;

Allows the court to retain jurisdiction over a full order of protection for its entire duration and schedule regular compliance reviews. The terms of an order of protection are enforceable by all remedies available at law for the enforcement of a judgment;

Specifies that the clerk and other non-judicial personnel of the probate division of the circuit court of any city not within a county will be appointed by the judge of the probate division with the consent of the court en banc, unless otherwise provided by local court rule;

Establishes an exception to the current requirement that a person is disqualified from serving as a juror if that person is unable to read, speak, and understand English, when the disability is due to a vision or hearing impairment which can be adequately compensated for through the use of auxiliary aids or services;

Allows court clerks to collect a fee for processing passport applications and allocates part of the fee to the county (20%) where the application was processed, and 80% to the state;

Removes a provision that exempted municipal judges and court personnel in Jackson County from the court management and case docketing rules of the Jackson County circuit court;

Requires the judge of the court to make the decision as to whether the juror can be excused for physical or financial hardship reasons and specifies when an exemption for extreme physical or financial hardship is warranted or when individuals may request a postponement of their jury service. A person who fails to appear for jury service and has failed to obtain a postponement is in civil contempt of court and the court may impose a fine not exceeding \$500 and order the prospective juror to complete a period of community service;

Specifies that an employee is not required to use vacation, sick, or personal leave for jury duty and requires a court to reschedule the service of a summoned juror of an employer with five or fewer employees if another employee has been summoned to appear during the same period;

Increases the maximum number of small claims cases that a party can file in one year from eight to 12;

Allows law library fees to be used for courtroom renovation and for debt service on bonds in any county not on the nonpartisan court plan;

Allows Cass County to assess a \$10 surcharge in criminal cases to fund the operation of the county judicial facility;

Adds certain types of property to the list of property that is exempt from attachment and execution;

Provides that in rent and possession actions pursuant to Chapter 535, the strict notice requirements for termination of month-to-month tenancies in Section 441.060 are not applicable; and cases will be heard by a court without a jury;

Allows for an appeal of denials of class action certification;

Revises provisions relating to trial de novo in small claims court and landlord tenant actions;

Allows injunctions to be granted by a circuit judge or an associate circuit judge;

Revises the provisions relating to the public notice of a name change for individuals who are victims of a crime involving domestic violence or child abuse;

Removes the requirement that the notice in landlord tenant proceedings be made by certified mail;



Revises the statute of limitations for a civil action for recovery of damages suffered as a result of childhood sexual abuse from five to 10 years after the victim reached the age of 21 or within three years of when the victim discovered that the injury or illness was caused by childhood sexual abuse;

Allows for the application and issuance of search warrants and arrest warrants by facsimile or other electronic means;

Adds documents of historical significance with a fair market value of \$500 or more to the items specified in Section 570.030, relating to stealing;

Revises the definition of "library" and the crime of library theft;

Specifies that certain records of investigations by peace officers must be made available to hiring law enforcement agencies;

Increases the number of officers on the Peace Officer Standards and Training Commission from nine to 11 and provides that two members of the commission must be rank-and-file peace officers;

Revises provisions relating to the Crime Victims' Compensation Fund;

Allows the release of law enforcement incident and investigative reports to family members if the person involved is deceased or incompetent;

Allows court-appointed legal counsel in electroconvulsive therapy cases to be awarded reasonable attorney fees;

Allows real estate licensees to be immune from civil liability for statements made by engineers, surveyors, geologists, and inspectors in certain situations; and

Authorizes Jefferson County to assess a surcharge of up to \$10.00 in all civil and criminal cases to be used for costs associated with the operation of judicial facilities of the 23<sup>rd</sup> judicial circuit. §2.030, 2.040, 2.050, 2.060, 3.130, 56.750, 57.260, 105.711, 211.031, 211.141, 452.310, 452.423, 455.010, 455.501, 478.266, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 490.525, 491.300, 491.640, 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, 494.460, 512.020, 512.180, 513.430, 513.440, 526.010, 526.020, 527.290, 535.020, 535.030, 537.046, 542.276, 544.020, 559.026, 570.030, 570.200, 570.210, 595.045, 595.050, 610.100, 630.130, and 632.498, RSMo

## **HS SS SCS SB 1233, 840 & 1043 MOTOR VEHICLE REVISIONS**

The proposed legislation would revise the statutes relating to "special" license plates, modify the towing laws, and make numerous changes in the laws relating to obtaining and maintaining a commercial driver's license (CDL). Municipal judges may revoke drivers' licenses. The legislation also revises taxicab regulations, salvage vehicles laws, ATV laws, racial profiling laws, and provisions relating to service contracts. The bill creates an action for failure to comply with service contract regulations in Cole County circuit court. Several new crimes are created. The bill allows the courts to suspend the driver's license of any person who passes a stopped school bus.

Any city may enter into an agreement with a county to include unpaid vehicle-related fees and fines on property tax bills.

The legislation also allows St. Louis City and Kansas City to notify Revenue of any person with unpaid vehicle-related fees and fines. Revenue is to suspend the motor vehicle registration of such an individual.

There is provision for appeal to the circuit court for a de novo review. There are various effective dates. §21.795, 67.1800, 67.1808, 67.1818, 137.298, 144.025, 226.030, 226.060, 226.092, 227.120, 301.010, 301.020, 301.025, 301.041, 301.069, 301.129, 301.130, 301.132, 301.141, 301.142, 301.143, 301.144, 301.190, 301.193, 301.217, 301.219, 301.221, 301.227, 301.280, 301.290, 301.444, 301.463, 301.469, 301.562, 301.566, 301.681, 301.2999, 301.3098, 302.130, 302.171, 302.173, 302.177, 302.181, 302.225, 302.230, 302.272, 302.302, 302.309, 302.700, 302.720, 302.725, 302.735, 302.740, 302.755, 302.756, 302.760, 304.013, 304.035, 304.070, 304.155, 304.156, 304.157, 304.170, 304.190, 306.461, 306.530, 307.020, 307.040, 307.100, 307.400, 365.020, 365.080, 365.100, 390.020, 390.136, 390.340, 407.567, 407.730, 407.735, 408.140, 577.054, 577.080, 590.650, 622.095, 622.618, 622.350, and 700.320, RSMo

## **HOUSE BILLS**

### **CCS SS SCS HCS HB 795 COUNTY GOVERNMENT**

This bill contains numerous provisions relating to county government. As it affects the courts, the bill authorizes Greene and Cass counties to impose a civil fine of not more than \$1,000 for misdemeanor county ordinance violations; and, allows Jefferson County to establish county municipal courts--the court would have jurisdiction over county ordinances and municipal ordinances if the municipality contracts with the court to prosecute municipal violations. The county may adopt orders with penal provisions consistent with state law but only in the areas of traffic violations, solid waste management, and animal control; allow any county except a nonpartisan county to use law library fees for debt service on county bonds related to renovation or enhancement projects for the court; allow any city to contract with the county to place vehicle-related fines and fees on the property tax bill; changes the fees assessed for certain vital records, and, would allow Franklin County to impose an additional \$10.00 fee on some cases for the law library. The bill allows any second, third or fourth class county to set countywide speed limits on roads within unincorporated areas of the county; subjects municipal judges and municipal court clerks in Kansas City to supervision by the presiding judge; and, allows legal publications in a newspaper that has only been published for two years if it is the only newspaper in the county. §49.272, 49.650, 50.339, 50.515, 50.740, 50.1110, 50.1140, 50.1250, 52.269, 52.271, 64.520, 64.805, 64.825, 64.930, 67.478, 67.481, 67.484, 67.487, 67.490, 67.493, 67.793, 67.799, 67.1360, 67.1401, 67.1706, 67.1754, 89.410, 137.100, 137.298, 137.720, 144.030, 144.615, 144.757, 144.759, 193.265, 229.340, 245.015, 245.060, 245.095, 246.305, 260.831, 304.010, 321.554, 321.556, 389.610, 393.760, 475.275, 479.020, 488.426, 488.429, 493.050, and 644.032, RSMo

### **SCS HCS HB 798 LAW LIBRARY SURCHARGES**

Allows all counties, except nonpartisan court plan counties, to use moneys from the law library fund for courtroom renovation and technology as well as for debt service on bonds issued by the county for these projects. §488.429, RSMo

### **SCS HB 841 WATERCRAFT VIOLATIONS**

Restricts the presence or use of glassware in canoes and similar watercraft. There is an exemption for medically prescribed containers. The legislation also requires the use of specified containers for foodstuffs and beverages. Each violation may be prosecuted as a separate offense.

The legislation allows any law enforcement officer, prior to arrest, to administer a chemical test to anyone suspected of operating a vessel while intoxicated. Chapter 306, RSMo

### **SCS HB 916 IDENTITY THEFT**

Revises the crime of identity theft and creates a new crime of trafficking in stolen identities. A new civil cause of action is also created. §570.223 and 575.120, RSMo

### **CCS SCS HCS HB 959 IDENTITY THEFT**

This bill relates primarily to banking regulations. It will also revise the crime of identity theft and create a new crime of trafficking in stolen identities. A new civil cause of action is also created. §33.103, 166.415, 166.435, 408.032, 408.140, 408.190, 408.232, 443.130, 506.290, 513.430, 513.440, and 541.033, RSMo, and sections 570.223 and 570.224

### **HB 994 THIRTIETH CIRCUIT COURT COSTS**

Extends the sunset clause on the 30<sup>th</sup> judicial circuit surcharge (up to \$10 for operating costs of the judicial facility). §488.2205, RSMo

### **SCS HCS HB 998 & 905 LANDLORD/TENANT/MOBILE HOMES**

Requires mobile home park landlords to provide notice to mobile homeowners 120 days or the remaining period on their lease when that is more than 120 days before demanding that they vacate the property due to a change in the use of the property. Landlords are prohibited from raising the rent within 60 days of providing the notice, except for a rent increase based solely on an increase in property taxes. Chapter 700, RSMo

### **CCS SS HCS HB 1055 SEX OFFENSES**

This bill changes the laws regarding sexual offenses, assault on law enforcement officers, and the payment of restitution for criminal offenses. The bill: increases the penalties for possession of child pornography and for furnishing pornographic material to minors; adds several pornography offenses to the list of crimes which require a person to register as a sexual offender; clarifies that a plea of nolo contendere is considered the same as a plea of guilty in terms of the sex offender registry; requires sex offenders to successfully complete a sex offender treatment program; prohibits any person who has been convicted of certain sex-related crimes from residing within 1,000 feet of a school or a child care facility; makes it a class D felony to fail to register as a sex offender when the person has been convicted of a sex crime which is an unclassified felony, a class A felony, a class B felony, or any felony involving a child under the age of 14. A second or subsequent offense is a class C felony; allows sheriffs to collect a fee from sex offenders at the time of the offender's registration; requires probation and parole officers who are assigned to a registered sex offender to notify the sheriff when learning of the sex offender's intent to change residency; expands the crime of sexual misconduct in the second and third degree; lengthens the statute of limitation for most sexual offenses in which the victim is age 18 or younger; adds child pornography to the list of crimes involving children that may be investigated by the State Technical Assistance Team within the Department of Social Services; lengthens the statute of limitations on civil claims for damages caused by sexual abuse suffered as a child; and, revises the crime of assault on a law enforcement officer.

The bill creates a mechanism for county law enforcement agencies to receive restitution from criminals. The bill allows counties to establish by ordinance the county law enforcement restitution fund to defray some of the costs incurred by law enforcement agencies. In those counties where the fund is established, the court may order the offender to pay restitution up to \$300 to the fund for any offense. The court cannot order restitution to the fund for infractions, class C misdemeanors, or certain traffic offenses. The court may revoke probation if, after a hearing, the court determines the defendant willfully refused to pay or willfully failed to make sufficient efforts to acquire the resources to make the payment. §43.540, 50.550, 537.046, 558.019, 559.021, 565.082, 565.083, 556.037, 566.083, 566.093, 566.140, 566.141, 573.037, 573.040, 589.400, 589.425, and 660.520, RSMo

#### **HCS HB 1179 SURCHARGE IN CRIMINAL CASES**

Allows the \$2 surcharge assessed in certain criminal cases to be used to develop biometric verification systems to be used for other expenses related to housing prisoners after the installation of the biometric verification system. §488.5026, RSMo

#### **SCS HB 1188 CRIMINAL PROCEDURE**

This bill clarifies that various costs assessed in criminal cases must also be assessed in those cases in which a defendant pleads guilty.

The list of misdemeanor offenses for which a \$10 fee is assessed for the Crime Victims' Compensation Fund is amended to include all misdemeanors, except for driving offenses, watercraft regulations, and fish and game offenses.

The bill also repeals the provision that requires court clerks to report delinquent payments to the Department of Revenue by October 1 of each year. §221.070, 488.4014, 488.5320, and 595.045, RSMo

#### **SCS HCS HB 1215 ESCAPE FROM COMMITMENT**

Makes it a class D felony for a person who has been civilly committed as a sexual predator to escape from commitment. This bill has an emergency clause. §575.195, RSMo

#### **CCS SS/32 SS SCS HS HCS HB 1304 TORT REFORM**

This major tort reform bill was vetoed by the governor, the general assembly failed in its attempt to override the veto. It cannot be brought up again in the regular veto session in September.

#### **HCS HB 1347 STATE AGENCY PUBLICATIONS**

Changes the current requirement for state agencies to supply 45 copies of any report to the Missouri State Library to paper copies in the numbers specified by the library. Each state agency is given responsibility to submit publications electronically consistent with the state's enterprise architecture and to determine the format of the publication. The Secretary of State must provide a secure electronic repository of state publications with multiple access methods and establish rules for the selection of participating libraries and the electronic formats acceptable. The state library will administer the electronic repository and continue to publish a list of state publications, regardless of format. §37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo

#### **HB 1364 PARENTING PLANS**

Makes the filing of parenting plans for children over the age of eighteen optional in proceedings relating to child visitation, custody, or support. §452.310, RSMo

#### **HB 1407 MUNICIPAL VIOLATIONS**

Creates an administrative system for adjudicating certain municipal code violations in St. Louis City. Chapter 479, RSMo

## **CCS SS SCS HS HCS HB 1453 FOSTER CARE**

This bill changes the laws regarding protective services for children and foster care. Below are some of the most relevant (to the courts) provisions, excerpted from a summary provided by the House of Representatives.

### **CHILD ABUSE AND NEGLECT REPORTS**

- (1) Changes the standard for including an individual on the child abuse and neglect central registry from probable cause to believe the individual committed child abuse or neglect to a finding by the Children's Division within the Department of Social Services that there is a preponderance of evidence that the individual committed child abuse or neglect;
- (2) Prohibits mandated reporters from making reports of child abuse or neglect anonymously. All other reporters may remain anonymous; and,
- (5) Prohibits the division from meeting with a child at any school or child care facility building where abuse of the child is alleged to have occurred.

### **COURT PROCEEDINGS**

- (1) Requires the guardian ad litem and volunteer advocate to be informed of and have the right to attend all meetings involving the child upon appointment by the court. The guardian ad litem is required to advocate for timely court hearings to achieve permanency for the child as soon as possible;
- (2) Requires that the questioning of a child who is in custody because the child is in need of care or treatment cease if the child wishes to have a parent, guardian, or attorney present during the questioning. Questioning of the child may resume when the child does not object to talking about the alleged abuse and neglect, unless the interviewer has reason to believe that the parent, guardian, or custodian is acting to protect the alleged perpetrator. All video or audio recordings of meetings, interviews, or interrogations conducted in relation to a child in the state's custody are presumed admissible as evidence in proceedings involving the child. The recordings are inadmissible only upon a showing by clear and convincing evidence that the recording lacks sufficient indicia of reliability;
- (3) Requires the court to grant a change of judge upon the motion of a child or the child's parent;
- (4) Requires the Supreme Court to promulgate rules by February 1, 2005, that mandate a hearing within three days of the child being taken into custody. An adjudication must be held no later than 60 days after the child has been taken into custody; and if at that time the court determines there is sufficient cause for the child to remain in the state's custody, the court will conduct a dispositional review no later than 90 days after the child has been taken into custody. The court must then conduct review hearings every 90 to 120 days during the first year and at least every six months after the first year. This section contains an emergency clause; and
- (5) Requires that on or before July 1, 2005, all juvenile court proceedings for children who are in need of care and treatment and termination of parental rights cases initiated by the county juvenile office or the division will be open to the public. The proceedings can be closed in certain situations. The general public is excluded during the testimony of a child or a victim.

### **BACKGROUND CHECKS AND FINGERPRINTING**

- (1) Allows the division or the county juvenile office to request a name-based criminal history check when an emergency placement of a child must be made and requires them to determine whether any person over the age of 17 living in the household is listed on the child abuse and neglect central registry;

- (2) Requires the division to conduct a search for full orders of protection for anyone seeking a foster parent license. The applicant and any adult in the applicant's household must also submit two sets of fingerprints for a criminal background check;
- (5) Requires the court that certifies a juvenile offender as an adult to order the law enforcement agency to fingerprint the individual immediately; and,
- (7) Increases the fees the State Highway Patrol can charge for name-based criminal history background checks from \$5 to \$10 and for checks based on fingerprints from \$14 to \$20.

#### FOSTER CARE AND PLACEMENT OF CHILDREN

- (1) Requires the division to provide standards and training for prospective foster parents, as well as performance-based criteria for licensed foster parents;
- (2) Requires the division to notify parents when their child is placed in foster care;
- (3) Prohibits the removal of children from school for placement in foster care before the end of the school day without a court order;
- (4) Requires the division to hold a family support team meeting within 72 hours of the child being taken into custody and additional meetings prior to taking any action relating to the placement of a child in its custody;
- (5) Requires the division to place a child with relatives if the court has determined that the placement is not contrary to the best interests of the child. The court must make specific findings on the record detailing why placement with a relative is not in the best interests of the child;
- (6) Specifies that the age of a relative may not be the only consideration in determining whether to place the child with that relative. The bill also requires the division to comply with the Federal Indian Child Welfare Act in placing Native American children;
- (7) Allows parents to temporarily place a child with another individual, while retaining the right to supervise the care of the child and resume custody, and allows a parent to use a power of attorney to delegate his or her powers regarding care or custody of a minor child to another individual for a period of up to one year;
- (8) Requires that all information provided at a meeting or hearing relating to the removal of a child from the child's home be confidential, except that a party or parent may waive confidentiality for himself or herself, and that no one may be required to sign a confidentiality agreement prior to testifying or providing information at the meeting; and
- (9) Requires the Department of Social Services to seek Title IV-E waivers from the Department of Health and Senior Services and requires the Department of Social Services to take the necessary steps to qualify the state for any federal block grant money available for foster care and adoption assistance.

#### PRIVATIZATION OF SERVICES FOR CHILDREN

Requires the division to consult with community providers and enter into contracts with qualified children's services providers to provide services to children and families.

#### MISCELLANEOUS PROVISIONS

Establishes the Office of Child Advocate for Children's Protection and Services within the Office of Administration; and

Requires an action to recover damages for injury or illness that resulted from child sexual abuse to be commenced within 10 years of the date the plaintiff reached the age of 21 or within three years of the date the plaintiff discovers or reasonably should have discovered that the illness or injury resulted from child sexual abuse, whichever is later.

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## **CCS HS HB 1487 CRIMES AGAINST PERSONS**

The crime of child kidnapping is created, a class A felony, and is committed when a person who is not a relative within the third degree unlawfully removes or confines a child age 13 or younger without the consent of the child's parents or guardians. It is an affirmative offense that the person reasonably believed that the person's actions were necessary to preserve the child from danger to his or her welfare. This provision contains an emergency clause.

Several crimes regarding human trafficking are created and include:

- (1) Abusing an individual through forced labor, a class B felony, is committed when a perpetrator obtains the services of a person through the use of threats of serious harm or physical restraint of the person or by abuse of the legal process;
- (2) Trafficking for the purpose of slavery or involuntary servitude, a class B felony, is committed when a perpetrator recruits, harbors, transports, provides, or obtains a person for the purpose of slavery or involuntary servitude, peonage, or forced labor;
- (3) Trafficking for the purpose of sexual exploitation, a class B felony, is committed when a perpetrator recruits, harbors, transports, provides, or obtains a person for the use or employment of the person in sexual conduct without his or her consent;
- (4) Sexual trafficking of a child, a class A felony, is committed when a perpetrator recruits, entices, harbors, transports, provides, or obtains a person under the age of 18 to participate in a commercial sex act. It will not be an affirmative defense that the perpetrator believed that the person was age 18 or older; and
- (5) Contributing to human trafficking through the misuse of documentation, a class D felony, is committed when the perpetrator restricts a person's ability to move or travel by controlling the person's identification documents or when the perpetrator destroys, conceals, or confiscates a governmental identification document or other immigration document of a victim while committing a trafficking crime.

As part of the sentencing for a human trafficking offense, the court must order the perpetrator to pay restitution to the victim.

The laws regarding patronizing prostitution are modified. The bill:

- (1) Makes it a class A misdemeanor to patronize a prostitute who is age 15 to 17 and clarifies that prosecution for this offense does not preclude a prosecution for statutory rape or sodomy. The current law is a class B misdemeanor and does not refer to the age of the prostitute; and
- (2) Makes it a class D felony to patronize a prostitute who is age 14 or younger and clarifies that prosecution for this offense does not preclude a prosecution for statutory rape or sodomy. §556.037, 565.110, and 567.030, RSMo

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## **CCS SCS HB 1548 STATE EMPLOYEES OVERTIME**

Requires that overtime pay for state employees is to be paid on an hourly basis if the employee requests payment instead of "comp" time. §105.055, 386.135, and 610.028, RSMo